

Docket No.

14231.1

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**BRUSH FOR CLEANING DRAIN CATHETERS OR FEEDING TUBE**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on November 25, 1998 as United States Application No. or PCT International Application Number 60-1092769

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)

_____	_____
(Application Serial No.)	(Filing Date)

_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

David B. Dellenbach, 39,166

Robyn L. Phillips, 39,330;

Bradley K. Desandro, 34,521

Stephen D. Prodnuk, 43,020

John N. Greaves, 40,362

Jonathan W. Richards, 29,843

David L. Griffin, P-44,136

Charles L. Roberts, 32,434

John M. Guynn, 36,153

David O. Seeley, 30,148

Burns R. Israelsen, 42,685

John C. Stringham, 40,831

Kevin K. Johanson, 38,506

Dana L. Tangren, 37,246

Jesus Juanos i Timoneda, 43,332

Gregory M. Taylor, 34,263

Kevin B. Laurence, 38,219

David R. Todd, 41,348

Eric L. Msaschoff, 36,596

C.J. Veverka, 40,858

Ricck D. Nydegger, 28,651

Send Correspondence to: John C. Stringham  
 WORKMAN, NYDEGGER & SEELEY  
 60 East South Temple, Suite 1000  
 Salt Lake City, Utah 84111

Direct Telephone Calls to: *(name and telephone number)*  
 John C. Stringham, 801-533-9800

Full name of sole or first inventor <b>P. Timothy Moore</b>	
Sole or first inventor's signature <i>P. Timothy Moore</i>	Date <i>3/2/99</i>
Residence <b>1600 East Layton Drive, Englewood, CO 80110 USA</b>	
Citizenship <b>United States</b>	
Post Office Address	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

DECLARATION, POWER OF ATTORNEY, AND PETITION

I,

Name: Matthew S. Longson  
Address: 4913 Viewmont Street  
Holladay, UT 84117  
Citizenship: United States of America

declare: that my citizenship, residence address, and post office address are as set forth above; that I verily believe I am a joint inventor of the subject matter of the invention or discovery entitled CLEANING BRUSH FOR MEDICAL DEVICES for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit under 35 U.S.C. § 120 to United States Nonprovisional Patent Application Serial No. 09/441,867, filed on November 17, 1999, which claims priority under 35 U.S.C. § 120 to United States Provisional Application Serial No. 60/109,769, filed on November 25, 1998; and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, I acknowledge the duty to disclose all information known to be material to patentability, as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which became available between the filing date of the earlier filed application and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as my attorneys and/or patent agents all listed under Customer No.



**022913**

PATENT TRADEMARK OFFICE

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

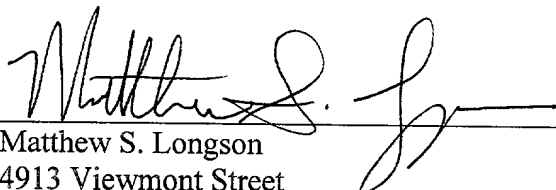
All correspondence and telephonic communications should be directed to:

John C. Stringham  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, Utah 84111

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Salt Lake City, Utah this 03  
(city) (state)  
day of April, 2001.  
(month) (year)

Inventor:

  
Matthew S. Longson  
4913 Viewmont Street  
Holladay, UT 84117

WHEN RECORDED RETURN TO:

WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111

PATENT APPLICATION  
DOCKET: 14231.1  
Express Mail Label No. EL264567426IUS

### ASSIGNMENT

I, P. TIMOTHY MOORE of Englewood, Colorado, have invented a new, original, and ornamental design for a BRUSH FOR CLEANING DRAIN CATHETERS OR FEEDING TUBE, hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States patent application executed heretofore by on me and now identified as File No. 14231.1 of the law firm of Workman, Nydegger & Seeley, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, and filed in the United States Patent and Trademark Office as Serial No. 60/109,769 on November 25, 1998.

The Assignee, NEOSCI MEDICAL, INC. , a Utah corporation, having a principal place of business at 1192 East Draper Parkway, Suite 442, Draper, Utah 84020, desires to secure the entire right, title and interest in said invention.

In consideration of One Dollar (\$1.00) and other good and valuable consideration paid to me by the Assignee, the receipt and sufficiency of which I hereby acknowledge, I HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

I hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives.

I hereby agree, without further consideration and without expense to me, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of me to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon my heirs and legal representatives.

[illegible]

P. TIMOTHY MOORE

STATE OF Colorado )

: SS.

COUNTY OF Arapahoe )

On March 12, 1999, before me personally appeared P. TIMOTHY MOORE known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

~~NOTARY PUBLIC~~

Residing at 8199 Chase Dr.  
Arvada, CO 80003

My Commission Expires: May 19, 2001

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Rev. 2/98



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR**

Docket No.  
14231.1

Serial No.  
60/109,769

Filing Date  
11/25/98

Patent No.

Issue Date

Applicant/ P. Timothy Moore, Englewood, Co  
Patentee:

COPY

Invention: **BRUSH FOR CLEANING DRAIN CATHETERS OR FEEDING TUBE**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:

- ☐ the specification to be filed herewith.  
☒ the application identified above.  
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern or organization exists.  
☐ Each such person, concern or organization is listed below.

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR TIMOTHY P. MOORE

SIGNATURE OF INVENTOR *Timothy P. Moore*

DATE: 2/12/99

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

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NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR A SMALL BUSINESS CONCERN

I, Mr. Daris Rice, hereby declare: that I am President of Neosci Medical, Inc., a corporation of the State of Utah and having a principal place of business at 1192 East Draper Parkway, Suite 442, Draper, UT 84020; I am empowered to act on behalf of Neosci Medical, Inc.; and that Neosci Medical, Inc. qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18 and 37 C.F.R. § 1.9(d) for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of Neosci Medical, Inc., including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (1) the number of employees is the average over the previous fiscal year of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and that (2) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.

I further declare that all rights, title, and interest relating to the invention entitled CLEANING BRUSH FOR MEDICAL DEVICES, invented by Matthew S. Longson and P. Timothy Moore, as described in the patent application filed concurrently herewith, have been conveyed to and currently remain with Neosci Medical, Inc.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I

further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at SALT LAKE CITY, UTAH this 3rd  
(city) (state)  
day of April, 2001.

NEOSCI MEDICAL, INC.

Signed:



Mr. Daris Rice  
President

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